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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

JOSE RIVERA, an individual,

Plaintiff,

vs.

CSL PLASMA INC., a Foreign Corporation;
DAVID MUMFORD, an Individual, TIM
AVILA, an Individual, SHAMAURIA
COMARTIE, an Individual, JANET
MONARREZ, an Individual; DOES II through
XX, inclusive, and ROE BUSINESS
ENTITIES I through XX, inclusive,
Defendants.

Case No.: 2:23-cv-01810-JAD-DJA

**DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S COMPLAINT**

(FIRST REQUEST)

Pursuant to Rule 6(b), Federal Rules of Civil Procedure, and Local Rule IA 6-1, Defendant CLS Plasma Inc. ("Defendant CSL") submits this Motion for Extension of Time to Respond to Plaintiff's Complaint.

Defendant CSL's response to Plaintiff's First Amended Complaint is due November 13, 2023. Defendant CSL requests a (3) day extension of time up to and including **Thursday, November 16, 2023** in which to respond based on the undersigned counsel's recent illness.

This is Defendant CSL's first request for an extension of time within which to respond to the First Amended Complaint.

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MEMORANDUM IN SUPPORT

Defendant CSL Plasma filed a Petition for Removal of Action Pursuant to 28 U.S.C. §§ 1332 and 1441 and Doctrine of Fraudulent Joinder on November 6, 2023. ECF No. 1. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendant CSL must respond to the Complaint in seven days after notice of removal is filed. Accordingly, the date within which to respond to the Complaint is Monday, November 13, 2023.

Rule 6(b)(1) allows a Court, for good cause, to extend the time within which a party may respond on a motion filed before the original time expires. Courts in the District of Nevada have routinely held that illness establishes good cause for the requested extension. *See, e.g., Morales v. McDaniel*, Case No. 3:17-cv-197-MMD-CBC, 2019 U.S. Dist. LEXIS 173103, * 4 (D. Nev. Oct. 3, 2019) (“The ‘practicalities of life’ (such as an attorney’s ‘conflicting professional engagements’ or personal commitments such as vacations, family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court deadline.”) (citations omitted).

Here, there is such good cause. Counsel for Defendant CSL tested positive for CoVID-19 on Thursday, November 9, 2023. Due to illness, counsel had limited ability to work over the past four days. As a result, a short continuance is requested to allow Defendant CSL to fully brief the issues before the Court.

Defendant CSL requested a stipulation to extend the response deadline from opposing counsel earlier today. Just prior to filing this motion, Plaintiff informed counsel that he did not oppose the request for a brief continuance. Defendant CSL has offered to stipulate to extend the time within which Plaintiff can respond to Defendant CSL’s Motion to Dismiss in light of this professional courtesy and the upcoming holiday.

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CONCLUSION

For the foregoing reasons, Defendant CSL Plasma respectfully requests the Court grant it through November 16, 2023, to respond to Plaintiff's First Amended Complaint.

DATED this 13th day of November, 2023.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ Kathryn C. Newman

Kathryn C. Newman

Nevada Bar No. 13733

10801 W. Charleston Blvd.

Suite 500

Las Vegas, NV 89135

Attorney for Defendant CSL Plasma Inc.

IT IS SO ORDERED:

DATED: 11/14/2023



United States Magistrate Judge Daniel A. Albregts

CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted the foregoing Motion for Extension of Time to Respond to Plaintiff's Complaint to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant:

Al Lasso, Esq.

Pursuant to FRCP 5(b), I hereby further certify that service of the foregoing document was also made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, to the following:

Al Lasso, Esq.
Lasso Injury Law LLC
10161 Park Run Drive
Ste. 120
Las Vegas, NV 89145
Attorney for Plaintiff Jose Rivera

DATED this 13th day of November, 2023.

/s/ Diksha Vadan

AN EMPLOYEE OF OGLETREE, DEAKINS,
NASH, SMOAK & STEWART, P.C.